

REMARKS

By this Amendment, Applicant has amended claims 23, 33, 35, and 37-42. Accordingly, claims 23, 25, 27-33, 35, 37-42, and 44 remain pending and under examination. For the reasons presented herein, Applicant traverses the rejections set forth in the Final Office Action¹, wherein the Examiner:

- (a) objected to claims 35 and 37-42 for informalities;
- (b) objected to the specification for allegedly failing to provide proper antecedent basis for the claimed subject matter;
- (c) rejected claims 33, 35, 37-42 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and
- (d) rejected claims 23, 28, 29, 33, 38, 39, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Parlay Web Services Overview, October 31, 2002, pp. 1-21 ("*Overview*") in view of U.S. Patent App. Pub. No. 2005/0015340 ("*Maes*");
- (e) rejected claims 25, 30-32, 35, 40-42, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Overview* in view of *Maes*, and in further view of Parlay Web Services Architecture Comparison, October 31, 2002, pp. 1-17 ("*Comparison*"); and
- (f) rejected claims 27, 37, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Overview* in view of *Maes*, and in further view of Parlay Web Services Application Deployment Infrastructure, October 31, 2002, pp. 1-21 ("*Infrastructure*").

Regarding the Finality of the Office Action

The finality of the Final Office Action is improper at least because the Examiner did not rebut or answer all of Applicant's previous arguments. As stated in M.P.E.P. § 706.07, "where a single previous Office action contains a complete statement of a

¹ The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Final Office Action.

ground of rejection, the final rejection may refer to such a statement and also *should include a rebuttal of any arguments raised in the applicant's reply*" (emphasis added). Additionally, M.P.E.P. § 707.07(f) states that "[w]here the applicant traverses any rejection, *the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it*" (emphases added).

In the present case, the Examiner only addressed narrow portions of Applicant's previous arguments, without addressing major portions of Applicant's reasoning which exposed the deficiencies of the cited references. Specifically, the Examiner did not address the arguments made on pp. 8-9 of the Amendment filed on February 6, 2009. Moreover, the Examiner appears to have mistakenly referred to arguments that Applicant did not make. See, e.g., "Response to Arguments" section of the Final Office Action at "C" and "D," noting that the Amendment of February 6, 2009, did not argue that there was "no motivation to combine" references. Therefore, at minimum, Applicant respectfully requests that the Examiner address all of Applicant's arguments in the next communication from the Office, including those arguments presented on pp. 8-9 of the Amendment filed on February 6, 2009.

Regarding the Objection to Claims 35 and 37-42

The Examiner objected to claims 35 and 37-42 for informalities. See Final Office Action, pp. 4-5. Specifically, in each of claims 35 and 37-42, the Examiner alleged that "[t]he system of claim . . ." should be amended to recite "[t]he communication network of claim" In response, Applicant has amended claims 35 and 37-42 in the manner suggested by the Examiner. Accordingly, Applicant requests withdrawal of the objection to claims 35 and 37-42.

Regarding the Objection to the Specification

The Examiner objected to the Specification as failing to provide proper antecedent basis for the claimed "computer readable medium" of claim 44. See Final Office Action, pp. 4-5. Applicant respectfully disagrees. Applicant's specification does provide proper antecedent basis for this claim term. For example, Applicant brings to the Examiner's attention the disclosure in the Specification at, for example, p. 7, ll. 30-33 and p. 8, ll. 1-4, which discuss the "memory of at least one computer" and "at least one computer," respectively. It would have been clear to one of ordinary skill in the art at the time of the invention that at least computer memory would have been considered a "computer readable medium." Accordingly, Applicant deems the objection to the Specification overcome, and requests its withdrawal.

Regarding the 35 U.S.C. § 101 Rejection of Claims 33, 35, and 37-42

The Examiner rejected claims 33, 35, and 37-42 "because the claimed invention is directed to non-statutory subject matter." Final Office Action, pp. 5-6. In response, and without conceding to the Examiner's arguments regarding alleged non-statutory matter, Applicant has amended claim 33 to recite "one or more computer servers comprising a processor and a memory, wherein the computer servers are configured for" Accordingly, Applicant deems the rejection of claim 33 under § 101 overcome, and requests its withdrawal. Claims 35 and 37-42 depend from claim 33, incorporate the recitations of claim 33, and therefore overcome the § 101 rejection for at least the same reason. Accordingly, Applicant deems the rejection of claims 33, 35, and 37-42 under § 101 overcome, and requests its withdrawal.

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 23, 28, 29, 33, 38, 39, and 44

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 23, 28, 29, 33, 38, 39, and 44 under 35 U.S.C § 103(a) as being unpatentable over *Overview* in view of *Maes*.

The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

In particular, the Examiner has not properly determined the scope and content of the prior art, at least because he incorrectly interpreted the content of *Overview* and *Maes*. Moreover, the Examiner has not properly ascertained the differences between the claimed invention and the prior art, as required under M.P.E.P. § 2141. Specifically, the Office Action does not establish obviousness at least because the Examiner incorrectly interprets the contents of *Overview* and *Maes*.

Neither *Overview*, nor *Maes*, nor their combination, teaches or suggests the recitations of independent claim 23. Claim 23, as amended, recites:

providing a Parlay gateway permitting access to said Parlay X web services, said Parlay gateway comprising a Parlay framework, wherein said Parlay gateway is included in one or more servers deployed in the domain of the telecommunication operator;

providing a set of modules comprising service interfaces for said software applications, the modules in said set acting as proxies in order to perform requests for access to web services on the framework of said Parlay gateway on behalf of said software applications, wherein the modules are included in at least one of the one or more servers

deployed in the domain of the telecommunication operator
... (claim 23, emphasis added, with similar recitations in claim 33).

Accordingly, independent claim 23 should be allowable for at least this reason.

Independent claim 33 contains similar recitations, and should also be allowable for at least the same reason.

Moreover, claims 23 and 33 are also allowable for another reason. Specifically, Applicant notes that *Overview* is closely related to *Comparison* and *Infrastructure*. Together, these documents, along with some additional documents, comprise the Parlay specification as of October 31, 2002. Significantly, *Comparison* admits that the prior art Web Services Environment could not handle authentication and authorization. Specifically, Applicant points out pp. 13-14 of *Comparison*, which clearly states that the Web Services Environment is not able to authenticate and authorize.

Thus, *Comparison*, which is directly related to *Overview* and forms part of the same specification, demonstrates that the cited prior art does not teach or suggest at least "configuring the modules in said set for performing authentication, authorization, and execution requests on said Parlay gateway," as recited in claim 23 (and similarly in claim 33).

This shortcoming is further explained in Applicant's specification at, for example, p. 6, lines 1-26. Applicant's specification explains remedying this defect in a manner that does not require additional servers, and allows web services to access Parlay resources without directly interacting with the Parlay server. See specification, p. 7, lines 12-19. Accordingly, for this additional reason, the Office Action does not establish obviousness of claims 23 and 33 based on the combination of *Overview* and *Maes*.

For at least these reasons, claim 23 is not obvious over *Overview* and *Maes*, whether taken alone or in combination. Independent claim 23 should therefore be allowable. Dependent claims 28, 29, and 44 should also be allowable at least by virtue of their dependence from base claim 23, as well as by virtue of reciting additional features not taught nor suggested by the cited references.

Independent claim 33, although of differing scope, recites elements similar to those of independent claim 23. Independent claim 33 should therefore be allowable for similar reasons. Dependent claims 38 and 39 should also be allowable at least by virtue of their dependence from base claim 33, as well as by virtue of reciting additional features not taught nor suggested by the cited references.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and requests allowance of independent claims 23 and 33, as well as dependent claims 28, 29, 38, 39, and 44.

Regarding the Remaining 35 U.S.C. § 103(a) Rejections

Applicant respectfully requests reconsideration and withdrawal of the remaining rejections of claims 25, 27, 30-32, 35, 37, 40-42, and 44 under 35 U.S.C § 103(a) as being unpatentable over *Overview* in view of *Maes* and in further view of *Comparison* or *Infrastructure*. As already explained, *Overview* in view of *Maes* fails to teach or suggest all the recitations of independent claims 23 and 33. The addition of *Comparison* or *Infrastructure* fails to cure the deficiencies of *Overview* and *Maes* as applied to independent claims 23 and 33. Therefore, for at least the same reasons set forth above in connection with claims 23 and 33, the remaining rejections of claims 25, 27, 30-32, 35, 37, 40-42, and 44 is legally deficient and should be withdrawn, and the claims

allowed. Claims 25, 27, 30-32, 35, 37, 40-42, and 44 should therefore also be allowable by virtue of reciting additional features not taught nor suggested by the cited references.

Conclusion

Applicant respectfully requests reconsideration of the application and withdrawal of the objections and rejections. Pending claims 23, 25, 27-33, 35, 37-42, and 44 are not rendered obvious by the cited references. Accordingly, Applicant requests allowance of the pending claims.

If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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